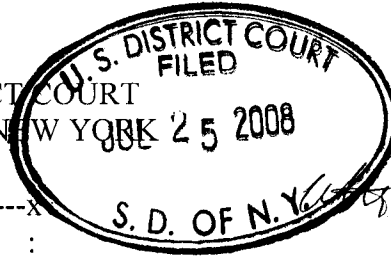


SCANNED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



NATURAL RESOURCES DEFENSE COUNCIL, INC.,

Plaintiff,

- v. -

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY,

Defendant.

Civ. No. 08-6234

**MOTION TO ADMIT  
COUNSEL  
PRO HAC VICE**

**MOTION TO ADMIT COUNSEL PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Nancy S. Marks, a member in good standing of the bar of this court, hereby moves for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Selena K. Kyle  
Firm name: Natural Resources Defense Council, Inc.  
Address: 111 Sutter Street, 20<sup>th</sup> Floor  
City/State/ZIP: San Francisco, CA 94104-4540  
Phone: (415) 875-6100  
Fax: (415) 875-6161

Selena K. Kyle is a member in good standing of the California Bar and the United States District Court for the Northern District of California.

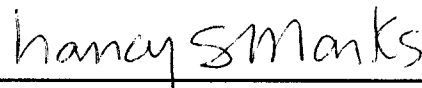
There are no pending disciplinary proceedings against Selena K. Kyle in any State or Federal court.

An affidavit in support of Ms. Kyle's admission; a certificate of good standing for Ms. Kyle; and a proposed order admitting Ms. Kyle *pro hac vice* are submitted with this Motion.

//

Dated: July 22, 2008  
New York, NY

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy S. Marks". The signature is written in dark ink and is positioned above a horizontal line.

---

Nancy S. Marks (NM 3348)  
Natural Resources Defense Council, Inc.  
40 West 20th Street  
New York, NY 10011  
Phone: (212) 727-2700  
Fax: (212) 727-1773

Counsel for Plaintiff Natural Resources Defense  
Council, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
NATURAL RESOURCES DEFENSE COUNCIL, INC.,	:
	:
Plaintiff,	:
	:
- v. -	:
	:
UNITED STATES ENVIRONMENTAL PROTECTION	:
AGENCY,	:
	:
Defendant.	:
	:
-----X	

Civ. No. 08-6234

**AFFIDAVIT OF  
NANCY S. MARKS  
IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL  
PRO HAC VICE**

State of New York     )  
                                  )     ss:  
County of New York    )

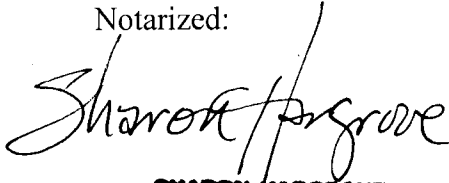
Nancy S. Marks, being duly sworn, hereby deposes and says as follows:

1. I am a senior attorney at the Natural Resources Defense Council, Inc., Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Selena K. Kyle as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bars of the State of New York (admitted 1987) and the Commonwealth of Massachusetts (admitted 1984). I was also admitted to the bar of the United States District Court for the Southern District of New York, and am now in good standing with this Court.
3. I first met Selena K. Kyle in 2006 and am familiar with her legal practice.
4. Selena K. Kyle is Koob Legal Fellow at the Natural Resource Defense Council's office in San Francisco, CA. Ms. Kyle is a member in good standing of the California Bar and the United States District Court for the Northern District of California. There are no disciplinary proceedings pending against Ms. Kyle in state or federal court. A certificate of good standing for Ms. Kyle is attached as Exhibit A to this affidavit.
5. I have found Selena K. Kyle to be a competent attorney and person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Accordingly, I am pleased to move for the admission of Selena K. Kyle, *pro hac vice*.

WHEREFORE, it is respectfully requested that the motion to admit Selena K. Kyle, *pro hac vice*, to represent Plaintiffs in the above-captioned matter, be granted.

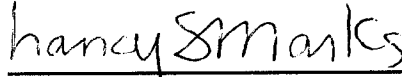
Dated: July 22, 2008  
New York, NY

Notarized:



**SHARON HARGROVE**  
Notary Public, State of New York  
No. 01HA6150863  
Qualified in New York County  
Commission Expires Aug. 7, 2010

Respectfully submitted,



Nancy S. Marks (NM 3348)  
Natural Resources Defense Council, Inc.  
40 West 20th Street  
New York, NY 10011  
Phone: (212) 727-2700  
Fax: (212) 727-1773

Counsel for Plaintiff Natural Resources Defense  
Council, Inc.

**EXHIBIT A**

**CERTIFICATE OF GOOD STANDING FOR SELENA K. KYLE**

# *Certificate of Good Standing*

*United States of District Court )*

*) ss.*

*Northern District of California )*

*I, Richard W. Wicking, Clerk of the United States District Court for the Northern District of California, do hereby certify that Selena Katherine Kyle, Bar No. 246069 was duly admitted to practice in said Court on January 8, 2007, and is in good standing as a member of the bar of said Court.*

*Dated at San Francisco on July 15, 2008*

*Richard W. Wicking*  
*Clerk*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Natural Resources Defense Council

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

08 Civ. 6234(VM)

- against -

AFFIRMATION OF SERVICE

United States Environmental Protection Agency

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Elaina C. De Meyere, declare under penalty of perjury that I have  
(name)  
served a copy of the attached Motion to Admit Counsel PRO HAC VICE  
(document you are serving)  
upon United States Environmental Protection Agency, whose address is \_\_\_\_\_  
(name of person served)  
1200 Pennsylvania Avenue, N.W., Washington DC, 20460  
(where you served document)  
by USPS overnight express mail  
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: New York, NY  
(town/city) (state)  
July 23, 2008  
(month) (day) (year)

  
Signature

40 West 20th Street  
Address

New York, NY  
City, State

10011  
Zip Code

(212) 727-4406  
Telephone Number

EXHIBIT A

PROPOSED ORDER FOR ADMISSION PRO HAC VICE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
NATURAL RESOURCES DEFENSE COUNCIL, INC.,	:
	:
Plaintiff,	:
	:
- v. -	:
	:
UNITED STATES ENVIRONMENTAL PROTECTION	:
AGENCY,	:
	:
Defendant.	:
	:
-----X	

Civ. No. 08-6234

**[PROPOSED]  
ORDER FOR  
ADMISSION  
PRO HAC VICE  
ON WRITTEN  
MOTION**

Upon the motion of Nancy S. Marks, attorney for Natural Resources Defense Council, Inc. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name:	Selena K. Kyle
Firm name:	Natural Resources Defense Council, Inc.
Address:	111 Sutter Street, 20 <sup>th</sup> Floor
City/State/ZIP:	San Francisco, CA 94104-4540
Phone:	(415) 875-6100
Fax:	(415) 875-6161

is admitted to practice *pro hac vice* as counsel for Plaintiff Natural Resources Defense Council, Inc. in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [ecf.uscourts.gov](http://ecf.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

---

Hon. Victor Marrero  
United States District Judge